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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,657	01/21/2000	Raymond Anthony Joao	JB008	6109

7590

04/23/2003

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 04/23/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,657

Applicant(s)

JOAO ET AL.

Examiner

Siegfried E Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-2, 4-18 & 20 are currently pending** based on applicant's cancellation of claims 3 & 19 through the supplemental amendment filed on January 30, 2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "The apparatus" (line 1) does not have proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 4-18 & 20 are rejected** under 35 U.S.C. 102(e) as being anticipated by Lawlor (US Patent 5,870,724).

Re. Claim 1, Lawlor anticipates an apparatus for providing account security, comprising:

a processor (52) for processing at least one of a transaction, a communication, and a request for authorization, on an account, wherein the processor generates a notification

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signal which contains information regarding the at least one of a transaction, a communication, and a request for authorization (Col. 11, lines 5-10; Col. 19, lines 23-32); and

a transmitter (80/ 82) for transmitting the notification signal to a communication device associated with at least one of an account holder and an individual authorized to receive the notification signal for an account holder, wherein the notification signal is transmitted to the communication device independently of any processing of the at least one of a transaction, a communication, and a request for authorization, by a central transaction processing at least one of computer and service (Col. 19, line 46 – Col. 20, line 44 (Transmitter); Col. 1, lines 15-16 (transactions); Col. 1, lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 2, Lawlor anticipates an apparatus of claim 1, further comprising:

at least one of an input device (54, 64) for inputting at least one of data and information concerning the at least one of a transaction, a communication, and a request for authorization, and a receiver for receiving at least one of data and information concerning the at least one of a transaction, a communication, and a request for authorization (Col. 8, line 56 – Col. 9, line 35).

Re. Claim 4, Lawlor anticipates an apparatus of claim 1, wherein the transmitter (80/82) transmits the notification signal to a central processing computer (80) (Col. 19, line 46 – Col. 20, line 44).

Re. Claim 5, Lawlor anticipates an apparatus of claim 4, further comprising:

a receiver (80/82) for receiving a response to the notification signal, wherein the response contains information for at least one of allowing, authorizing, disallowing, canceling, and terminating, the at least one of a transaction, a communication, and a request for authorization (Col. 19, line 46 – Col. 20, line 44 (receiver); (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 6, Lawlor anticipates an apparatus of claim 1, further comprising:
a receiver (80/82) for receiving at least one of a limitation and a restriction for at least one of a transaction, a communication, and a request for authorization, on an account (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 7, Lawlor anticipates an apparatus of claim 6, wherein the at least one of a limitation and a restriction is at least one of a limitation and a restriction regarding at least one of type of transaction, an allowed transaction at least one of time or times, an allowed transaction geographic location, an allowed transaction amount, an allowed at least one of good and services which can be the subject of the transaction, a type of communication, an allowed communication one of time or times, an allowed communication geographic location, an allowed communication amount, an allowed at least one of good and services which can be the subject of the communication, a type of at least one of a security, a stock, a bond, a financial instrument, and a financial derivative, and type of Internet at least one of communication and transaction (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 8, Lawlor anticipates an apparatus of claim 1, further comprising:
at least one of a reading device (66/64) for obtaining account holder contact information and a memory device (84) for storing account holder contact information, wherein the contact information is utilized to transmit the notification signal to at least one of the account holder and an individual authorized to receive the notification signal for the account holder (Reader/ via Card Use Option – Col. 9, lines 36-53; Memory – Col. 7, lines 1-8; Col. 13, lines 6-8; Col. 18, line 59 – Col. 20, line 3).

Re. Claim 9, Lawlor anticipates an apparatus of claim 8, wherein the contact information is obtained from at least one of a magnetic strip (66) and a computer

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processor (54) located on at least one of a card (66) and a device associated with the account (54) (Magnetic Strip – Col. 5, lines 23-25; Memory Buffer – Col. 11, lines 5-10; Col. 13, lines 6-8).

Re. Claim 10, Lawlor anticipates an apparatus of claim 1, wherein the transmitter (80/82) transmits the notification signal to multiple communication devices (54) associated with the at least one of the account holder and an individual authorized to receive the notification signal for the account holder (Col. 9, lines 36-53).

Re. Claim 11, Lawlor anticipates an apparatus of claim 10, wherein the notification signal is transmitted to the multiple communication devices in at least one of a sequential manner and a simultaneous manner (80/82/56/58/60/62/68/70) (Col. 1, line 1 – Col. 16, line 49).

Re. Claim 12, Lawlor anticipates an apparatus of claim 1, wherein the notification signal is transmitted in real-time (52/80/82/56/58/60/62/68/70) (Col. 10, 46-49).

Re. Claim 13, Lawlor anticipates an apparatus of claim 5, wherein the response is received in real-time (80/82/56/58/60/62/68/70) (Col. 10, 46-49).

Re. Claim 14, Lawlor anticipates an apparatus of claim 6, wherein the at least one of a limitation and a restriction is received in real-time (80/82/56/58/60/62/68/70) (Col. 10, 46-49).

Re. Claim 15, Lawlor anticipates an apparatus for providing account security, comprising:

a receiver (80/82) for receiving at least one of a limitation and a restriction on account activity, wherein the at least one of a limitation and a restriction is received in real-time, and further wherein the receiver receives a notification signal containing information

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regarding at least one of a transaction, a communication, and a request for authorization, on an account (Col. 11, lines 5-10; Col. 19, lines 23-32); a memory device (84) for storing information regarding at least one of an account, an account holder, account holder contact information, at least one of data and information for processing the at least one of a transaction, a communication, and a request for authorization, and information regarding the at least one of a limitation and a restriction on account activity (Col. 7, lines 1-8; Col. 13, lines 6-8; Col. 18, line 59 – Col. 20, line 3); a processor (52/80) for processing the signal containing information regarding at least one of a transaction, a communication, and a request for authorization, utilizing the at least one of data and information stored in the memory device, wherein the processor generates a response signal, wherein the response signal contains information for at least one of allowing, authorizing, disapproving, disallowing, canceling, and terminating, the at least one of a transaction, a communication, and a request for authorization, on the account (Col. 11, lines 5-10; Col. 19, lines 23-32); and a transmitter (80/82) for transmitting the response signal to a transaction device (Col. 19, line 46 – Col. 20, line 44).

Re. Claim 16, Lawlor anticipates an apparatus of claim 15, wherein the transaction device (54/64) is at least one of a point-of-sale device, a point-of-transaction device, a banking device, a brokerage device, an electronic cash device, a wireless communication device, a non-wireless communication device, and an Internet communication device (Col. 6, lines 44-48; Col. 3, line 56 – Col. 4, line 39).

Re. Claim 17, Lawlor anticipates a method for providing account security, comprising: processing at least one of a transaction, a communication, and a request for authorization, on an account; generating a notification signal which contains information regarding the at least one of a transaction, a communication, and a request for authorization; and

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transmitting the notification signal to a communication device associated with at least one of an account holder and an individual authorized to receive the notification signal for an account holder, wherein the notification signal is transmitted to the communication device independently of any processing of the at least one of a transaction, a communication, and a request for authorization, by a central transaction processing at least one of computer and service (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 18, Lawlor anticipates a method of claim 17, further comprising: at least one of inputting at least one of data and information concerning the at least one of a transaction, a communication, and a request for authorization, and receiving at least one of data and information concerning the at least one of a transaction, a communication, and a request for authorization (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Re. Claim 20, Lawlor anticipates an apparatus (82/80) of claim 17, further comprising: receiving a response to the notification signal, wherein the response contains information for at least one of allowing, authorizing, disallowing, disapproving, canceling, and terminating, the at least one of a transaction, a communication, and a request for authorization, wherein the response is received in real-time, and further wherein the notification signal is transmitted to the communication device in real-time (Col. 1, lines 15-16 (transactions), lines 20-21 (communications); Col. 10, lines 46-49 (real time); Col. 13, line 47 and Col. 19, lines 62 – Col. 20, line 3 (authorization)).

Response to Arguments

1. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

a) Chew (US Pat. 5,901,303) is cited by the Examiner for his disclosure of Smart Cards, Systems Using Smart Cards and Methods of Operating Said Smart Cards.

6. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on February 11, 2003 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington D.C. 20231

or faxed to:


(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-8177 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC

April 17, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
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